

J2411H1 SUPERIOR COURT OF CALIFORNIA-COUNTY OF SAN JOAQUIN
SAN JOAQUIN CJIS STOCKTON BRANCH
ORGANIZATION: SC

05/04/04
10:38

CASE NO. LFC07102 A DATE: 05/03/04 TIME: 08:15 AM DEFT.: 25

PEOPLE VS. MENDOZA, ARQUINEDES

(DOB: 12/17/78)

JUDGE: JAMES E HAMMERSTONE JR, JUDGE CLERK: CHERYL MACHADO
REPORTER: T PLACE BAILIFF: ROGER LORSEN

NATURE OF PROCEEDINGS: JURY TRIAL ASSIGNMENT.

CHARGES: 1. PC 261(A)(3)

DEPUTY DISTRICT ATTORNEY G. BROOKS PRESENT FOR THE
PEOPLE.

ATTORNEY G. HICKEY, LRS PRESENT FOR THE DEFENSE.

DEFENDANT PRESENT IN CUSTODY.

DEFENDANT ADVISED OF, UNDERSTOOD, AND KNOWINGLY AND
VOLUNTARILY WAIVED ALL THE FOLLOWING RIGHTS: THE
PRIVILEGE AGAINST SELF-INCRIMINATION, THE RIGHT TO A
JURY TRIAL, AND THE RIGHT TO CONFRONT AND CROSS-EXAM
WITNESSES AGAINST HIM. AFTER QUESTIONING THE DEFENDANT
THE COURT DETERMINED THAT THE DEFENDANT UNDERSTOOD THE
NATURE OF THE CHARGE, THE ELEMENTS OF THE OFFENSE, THE
PLEAS AVAILABLE THERETO, THE POSSIBLE DEFENSES THERETO,
THE POSSIBLE RANGE OF PENALTIES AND OTHER CONSEQUENCES
OF DEFENDANT'S PLEA (INCLUDING THE EFFECT OF THE
ADMISSION OF ANY PRIOR CONVICTION).

TO TESTIFY ON HIS OWN BEHALF.

TO A COURT TRIAL.

TO CONSEQUENCES OF CONVICTION PURSUANT TO SECTION
1016.5PC (ALIEN).

DEFENDANT ADVISED AS TO CODE REGISTRATION.

DEFENDANT IS ADVISED OF PAROLE CONSEQUENCES.

COURT ASKED IF ANY PROMISES OR RECOMMENDATION HAD BEEN
MADE TO HIM/HER BY DISTRICT ATTORNEY OR HIS/HER COUNSEL
OR BY ANYONE ELSE AS TO WHAT THE PUNISHMENT COULD OR
MIGHT BE.

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DEFENDANT REQUESTS AND IS GRANTED PERMISSION TO WITHDRAW
PLEA OF NOT GUILTY.

DEFENDANT ENTERED A PLEA OF GUILTY TO COUNT 1.

COUNT 2 DISMISSED ON MOTION OF DEPUTY DISTRICT ATTORNEY
BROOKS. REASON FOR DISMISSAL OR DISCHARGE: INTEREST OF
JUSTICE IN VIEW OF PLEA TO COUNT 1.

COUNT 3 DISMISSED ON MOTION OF DEPUTY DISTRICT ATTORNEY
BROOKS. REASON FOR DISMISSAL OR DISCHARGE: INTEREST OF
JUSTICE IN VIEW OF PLEA TO COUNT 1.

COUNT 4 DISMISSED ON MOTION OF DEPUTY DISTRICT ATTORNEY
BROOKS. REASON FOR DISMISSAL OR DISCHARGE: INTEREST OF
JUSTICE IN VIEW OF PLEA TO COUNT 1.

COURT FINDS A FACTUAL BASIS FOR THE PLEA BASED ON
STIPULATION BY COUNSEL BASED ON THE PRELIMINARY
TRANSCRIPT.

COURT FINDS A FACTUAL BASIS FOR THE PLEA BASED ON
STIPULATED BY COUNSEL.

THE DEFENSE ATTORNEY CONCURRED WITH THE DEFENDANT'S PLEA
AND ADMISSION.

THE COURT FOUND THE PLEA KNOWLEDGEABLE, INTELLIGENT AND
VOLUNTARY.

COURT ACCEPTED PLEA.

DEFENDANT WAIVES PROBATION REFERRAL AND REQUESTS
IMMEDIATE SENTENCE.

PROBATION DEPARTMENT NOTIFIED TO PREPARE REPORT PURSUANT
TO 1203C PC.

NO LEGAL CAUSE APPEARING WHY JUDGEMENT SHOULD NOT NOW BE
PRONOUNCED.

DEFENDANT WAIVES TIME FOR SENTENCING, AND IS SENTENCED.

FORMAL ARRAIGNMENT FOR JUDGMENT WAIVED.

PROBATION IS DENIED.

AS TO COUNT 1 : IMPOSED THE LOWER TERM OF 3 YEAR(S), 0
MONTH(S), 0 DAY(S).

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DEFENDANT TO SERVE TOTAL PRISON OF 3 YEARS, 0 MONTHS.

CREDIT FOR TIME SERVED: LOCAL 239 PLUS 118 (GOOD
TIME/WORK CREDIT) PLUS 0 CRC/CDC PLUS 0 (GOOD
TIME/WORK/CREDIT) - TOTAL 357 DAYS.

DEFENDANT TO PAY RESTITUTION FINE OF \$200.00 PURSUANT TO
PC 1202.4 COLLECTED BY CDC.

PLUS \$20.00 ADMINISTRATIVE SURCHARGE FOR RESTITUTION
FINE - RESTITUTION FUND COLLECTION FEE

PURSUANT TO PC 1202.45, THE COURT IMPOSES AN ADDITIONAL
RESTITUTION FINE OF \$200.00 SAID FINE TO BE SUSPENDED
UNLESS PAROLE IS REVOKED.

DEFENDANT TO REGISTER AS REQUIRED PURSUANT TO PC 290 AS
A SEX OFFENDER.

SHERIFF TO DELIVER DEFENDANT INTO CUSTODY OF THE
- DIRECTOR OF CALIFORNIA DEPARTMENT OF CORRECTIONS,
RECEPTION GUIDANCE CENTER AT DVI.

ENTERED IN CJIS BY T. PEREZ ON 05/04/2004.

ALL SENTENCE ELEMENTS FOR THIS PROCEEDING ENTERED.

INFORMATION SENT TO THE JAIL.

PROBATION DEPARTMENT NOTIFIED.

CUSTODY STATUS:

DEFENDANT IS REMANDED TO THE CUSTODY OF THE DEPT. OF
CORRECTIONS.

JOHN D PHILLIPS
District Attorney
State Bar Membership No. 48474
SAN JOAQUIN COUNTY
By: BRIAN K SHORT
Deputy District Attorney
222 E WEBER AV
STOCKTON, CA 95202

Telephone: (209) 468-2400

Attorneys for Plaintiff

FILED
SUPERIOR COURT-STOCKTON
03 OCT 21 AM 10:07
JEANNE WILLIAMS, CLERK
BY *M. J. J...*
DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

The People of the State of California,)	No LF007102A
)	
Plaintiff,)	DA Case: INF 0446355
)	
v.)	INFORMATION
)	
ARQUIMEDES MENDOZA)	
)	
)	
Defendant(s).))	

The said defendant(s) is/are accused by the District Attorney
of the County of SAN JOAQUIN of the State of California,
by this information, of the following crime(s):

PC 261(A)(3) RAPE:VICTIM DRUGGED

COUNT: 001, On or about JULY 17, 1999, the crime of RAPE BY USE
OF DRUGS, in violation of Section 261(a)(3) of the Penal Code, a
FELONY, was committed by ARQUIMEDES MENDOZA, who at the time and
place last aforesaid, did willfully and unlawfully have and
accomplish an act of sexual intercourse with a person, to-wit:
"JANE DOE"; DOB: 01.05.83, not his/her spouse, where said person
was prevented from resisting by an intoxicating, anesthetic, and

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1 controlled substance, and this condition was known, and
2 reasonably should have been known by said defendant.
3

4 PC 261.5(C) UNLAWFUL INTERCOURSE W/MINOR 3 YEARS YOUNGER

5 COUNT: 002, for a further and separate cause of complaint, being
6 a different offense from but connected in its commission with
7 the charge set forth in Count 001, complainant further complains
8 and says: On or about JULY 17, 1999 the crime of UNLAWFUL SEXUAL
9 INTERCOURSE WITH MINOR THREE YEARS YOUNGER THAN DEFENDANT, in
10 violation of Section 261.5(c) of the Penal Code, a FELONY, was
11 committed by ARQUIMEDES MENDOZA, who at the time and place last
12 aforesaid did willfully and unlawfully have and accomplish an
13 act of sexual intercourse with a female person, to wit: "JANE
14 DOE", date of birth: 01.05.83, who was more than three years
15 younger than defendant.
16

17 PC 148 RESIST/OBST/DELAY PEACE OFF

18 COUNT: 003, for a further and separate cause of complaint, being
19 a different offense from but connected in its commission with
20 the charge set forth in Count 002, complainant further complains
21 and says: On or about AUGUST 1, 2003 the crime of RESISTING,
22 DELAYING OR OBSTRUCTING A PUBLIC OFFICER, in violation of
23 Section 148 of the Penal Code, a MISDEMEANOR, was committed by
24 ARQUIMEDES MENDOZA, who at the time and place last aforesaid,
25 did willfully and unlawfully resist, delay and obstruct a public
26 officer of the "LODI POLICE DEPARTMENT" in the discharge of or
27 in the attempt to discharge a duty of their office.
28

1 PC 148 RESIST/OBST/DELAY PEACE OFF

2 COUNT: 004, for a further and separate cause of complaint, being
3 a different offense from but connected in its commission with
4 the charge set forth in Count 003, complainant further complains
5 and says: On or about SEPTEMBER 4, 2003 the crime of RESISTING,
6 DELAYING OR OBSTRUCTING A PUBLIC OFFICER, in violation of
7 Section 148 of the Penal Code, a MISDEMEANOR, was committed by
8 ARQUIMEDES MENDOZA, who at the time and place last aforesaid,
9 did willfully and unlawfully resist, delay and obstruct a public
10 officer of the "LODI POLICE DEPARTMENT" in the discharge of or
11 in the attempt to discharge a duty of their office.

12
13 Pursuant to Penal Code Section 1054.5(b), the People hereby
14 informally request that the defendant and his/her attorney
15 disclose to the People all information and materials described
16 in Penal Code Section 1054.3.

17 Dated: OCTOBER 20, 2003

18 JOHN D PHILLIPS
19 DISTRICT ATTORNEY

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21 BRIAN K SHORT
22 DEPUTY DISTRICT ATTORNEY
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